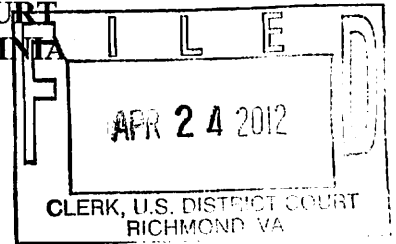


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



ERIC DANTE PITT,
for himself and on behalf of all
similarly situated individuals,

Plaintiff,

v.

Civil Action No: 3:11-cv-00697-JAG

SEARS HOLDINGS CORPORATION

and

K-MART CORPORATION, a wholly
Owned subsidiary of Sears Holdings Corporation,

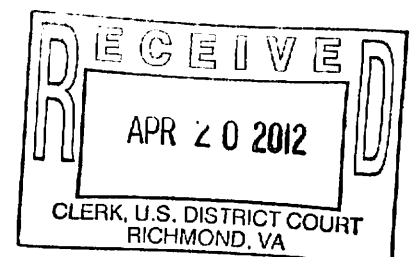
Defendants.

AGREED ORDER

Upon the stipulation and agreement of the Parties, by counsel, IT IS ORDERED
that,

1. Counts One and Two of the Amended Complaint (Dkt No. 8) are
dismissed with prejudice;
2. The Parties' legal positions differ as to certain arguments made in the
Defendants' Motion to Dismiss and they do not intend this stipulation to resolve such
disagreements;
3. Defendants' Motion to Dismiss (Dkt No. 11) is denied as moot.
4. Defendants will file an answer to the Amended Complaint no later than 14
days from entry of this order.

ENTERED this 23rd day of April, 2012.



/s/ [Signature]
John A. Gibney, Jr.
United States District Judge

The Honorable John A. Gibney, Jr.

[Signature]
Leonard A. Bennett, Esq.
VSB #37523

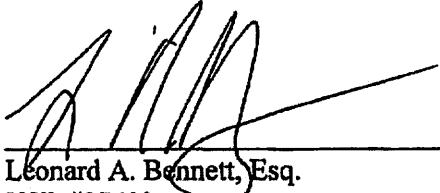
CONSUMER LITIGATION ASSOCIATES, P.C.
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Newport News, Virginia 23601
(757) 930-3660 - Telephone
(757) 930-3662 – Facsimile
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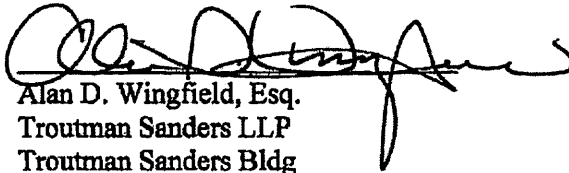
Counsel for Defendant

The Honorable John A. Gibney, Jr.



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